

REMARKS

In the October 21, 2003 Office Action, the Examiner noted that claims 1-9 were pending in the application; objected to claim 5; rejected claims 1 and 3-9 under 35 U.S.C. § 102(e); and rejected claim 2 under 35 U.S.C. § 103. In rejecting the claims, U.S. Patent 6,539,142 to Lemoff et al. (Reference A) was cited. Claims 1-9 remain in the case. The Examiner's rejections are traversed below.

Claim Objections

In the third paragraph on page 3 of the Office Action, the Examiner objected to claim 5 for lack of antecedent basis for terms containing "third" and "fourth". Claim 5 has been amended to recite third and fourth oscillation devices generating third and fourth additional signals at third and fourth frequencies. Therefore, withdrawal of the objections is respectfully requested.

Claim Rejections

On pages 3-6 of the Office Action, claims 1 and 3-9 were rejected under 35 U.S.C. § 102(e) as anticipated by Lemoff et al. and claim 2 was rejected under 35 U.S.C. § 103 as unpatentable over Lemoff et al. All of the independent claims have been amended to recite how the control device(s) control the application voltage, e.g., by "multiplying the detected signal component by the additional signal from said oscillation device to obtain a resulting signal and extracting a DC component from the resulting signal" (claim 1, lines 10-12), so that the driver device can change "the application voltage by using the DC component" (claim 1, last two lines). This operation of the control device is described at page 15, lines 2-18 and in the case of multiple components of each type, at page 18, line 4 to page 19, line 3 of the application. Nothing was cited or has been found in Lemoff et al. teaching or suggesting controlling the application voltage produced by a driver for a mirror in an optical switch as recited in the independent claims. Therefore, it is submitted that claims 1-9 patentably distinguish over Lemoff et al.

Request for Examiner Interview

If the amendments to claims 1 and 4-9 are insufficient to distinguish over Lemoff et al. in the view of the Examiner, the Examiner is respectfully requested to contact the undersigned by telephone to arrange an Examiner Interview to discuss the differences between the present

invention and Lemoff et al. with the objective of finding claim language that will make the differences between the present invention and Lemoff et al. clearer.

Summary

It is submitted that Lemoff et al. does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-9 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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